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# Judge Denies Motions in Walker Case

## *Defense Wanted Statements Suppressed, Two Counts Dismissed*

By Sharon LaFraniere  
Washington Post Staff Writer

NORFOLK, July 12—A federal judge handed prosecutors two victories today in their espionage case against Arthur James Walker, denying defense motions to suppress Walker's statements to the FBI and to throw out two counts in the indictment against him.

The rulings by U.S. District Judge J. Calvitt Clarke Jr. appear to clear the way for Walker's trial on Aug. 5 on charges of providing the Soviets with confidential military documents from the Chesapeake, Va., defense contracting firm where he worked.

The 50-year-old retired lieutenant commander from Virginia Beach, Va., is the first of four men scheduled for trial on espionage

charges in what federal authorities describe as one of the most serious spy cases in 30 years.

Clarke decided to allow Walker's statements as evidence after a four-hour closed hearing in which Walker and at least one FBI agent testified. The judge gave no explanation for his decision in an order issued after the hearing.

Defense attorneys had argued in their motion that the FBI misled Walker into believing that he would not be prosecuted if he talked. "The defendant's belief, planted and nurtured by FBI, that he might not be prosecuted if he cooperated, renders the defendant's statements involuntary," the motion said.

According to an FBI agent's testimony, Walker admitted that his brother John, the alleged leader of the espionage ring, paid him

\$12,000 to provide a confidential military report for delivery to the Soviets.

The judge's denial of the defense motion to dismiss two counts of the seven-count indictment came as a surprise to Walker's attorneys. At a hearing Tuesday, Clarke said he believed the indictment was "defective" because prosecutors had not included key language in two counts.

"I thought for all practical purposes that counts four and seven of the indictment were gone," said Sam Meekins, one of Walker's two court-appointed lawyers.

Though both defense lawyers have complained they have little time to prepare a complicated case, Meekins said today that he doesn't expect a postponement or a plea-bargain.

Asked if he thought the case would go to trial, Meekins said, "Yes, I do. I really do."

Meekins and J. Brian Donnelly, Walker's other lawyer, argued Tuesday that prosecutors had failed to describe all the elements of the crime in charging Walker with unauthorized possession of classified documents.

But Clarke said in his order that the counts "were properly drafted." Clarke cited several prior cases and a congressional report outlining the intent of the law.

Meekins and Assistant U.S. Attorney Robert J. Seidel Jr. refused to describe the testimony at the afternoon hearing, citing the judge's concern that pretrial publicity was damaging Walker's chance for a fair trial.

Attorneys representing several news organizations unsuccessfully appealed Clarke's order closing the hearing to the 4th U.S. Circuit Court of Appeals. Judge H. Emory Widener Jr. turned down the appeal this morning in a hastily arranged hearing in Abingdon, Va.